Community Providers Association
Caring for Connecticut.

March 3, 2009

To: **LABOR AND PUBLIC EMPLOYEES COMMITTEE**

From: Kirk A. Springsted, Vice President, Administration,
Connecticut Community Providers Association

Re: Raised H.B. No. 6502 ***AN ACT CONCERNING THE STANDARD WAGE FOR CERTAIN CONNECTICUT WORKERS***

My name is Kirk Springsted and I am the Vice President of Administration for the Connecticut Community Providers Association. I am here to speak about House Bill 6502. We are concerned about the worker retention language in it.

Since 1979, CCPA has administered the highly successful Preferred Purchasing Program created by Public Act 77-405 and amended in PA 06-129. Through the program community providers supply state agencies with products and services made by people with disabilities while creating much needed employment, employment training, work hours and wages for people with disabilities in a variety of work settings. Last year the program created 290,000 hours of work and $2.6 million in wages for people with disabilities and included work on twenty-one standard wage contracts. These contracts are especially critical to the program as they provide workers with a "living wage" and opportunity for benefits.

In 2006, I served on the workgroup that produced Public Act 06-129 – *An Act Concerning the Recommendations of the Disabled and Disadvantaged Employment Security Policy Group.* That bill was instrumental in resolving differences between two competing groups advocating for standard wage opportunities for people with disabilities and with economic disadvantages. The result of the bill was that both groups retained access to standard wage contracts. For workers with disabilities, that access was to be for standard wage contracts of four full time equivalents or less and a pilot program with state janitorial contractors.

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H.B. 6502 compromises the intent of Public Act 06-129 and limits access to standard wage jobs for people with disabilities through the Preferred Purchasing Program at a time when employment opportunities for people with disabilities are becoming more difficult to find.

We ask you to amend H.B 6502 to assure that individuals with disabilities continue to have access to standard wages jobs in a manner consistent with the provisions of P.A. 06-129 (codified in sections (o) and (p) of C.G.S. 4a-82.)

We would be pleased to work with the Committee and the bill's proponents on the language changes.

H.B. 6502 – CCPA Recommended Language Revision (CAPS)

Section 1. Section 31-57f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2009*):

(g) The Labor Commissioner shall, in accordance with subsection (e) of this section, determine the standard rate of wages for each classification on an hourly basis where any covered services are to be provided, and the state agent empowered to let such contract shall contact the Labor Commissioner at least ten days prior to the date such contract will be advertised for bid, to ascertain the standard rate [of wages] and shall include the standard rate [of wages] on an hourly basis for all classifications of employment in the proposal for the contract. The standard rate of wages on an hourly basis shall, at all times, be considered the minimum rate for the classification for which it was established. Where a required employer is awarded a contract to perform services that are substantially the same as services that have been rendered under a predecessor contract, such required employer shall retain all employees who had been performing services under such predecessor contract for at least ninety days following or after the date of first performance of services under the successor service contract. During such ninety-day period, the successor contract shall not discharge without just cause an employee retained pursuant to this subsection. If the performance of an employee retained pursuant to this subsection is satisfactory during the ninety-day period, the successor contractor shall offer the employee continued employment for the duration of the successor contract. THE PROVISIONS OF THIS SUBSECTION SHALL NOT APPLY TO ANY CONTRACT COVERED BY SECTIONS (o) AND (p) OF C.G.S. 4A-82.

or the next lowest responsible qualified bidder or seek new bids or proposals.

(P.A. 05-287, S. 51.)

History: P.A. 05-287 effective July 13, 2005.

Sec. 4a-82. Janitorial work pilot program for persons with disability and persons with a disadvantage. (a) For the purposes of this section:

(1) "Person with a disability" means any individual with a disability, exclusive of blindness, as such term is applied by the Department of Mental Health and Addiction Services, the Department of Developmental Services, the Bureau of Rehabilitation Services within the Department of Social Services or the Veterans' Administration and who is certified by the Bureau of Rehabilitation Services within the Department of Social Services as qualified to participate in a qualified partnership, as described in subsections (f) to (m), inclusive, of this section;

(2) "Vocational rehabilitation service" means any goods and services necessary to render a person with a disability employable, in accordance with Title I of the Rehabilitation Act of 1973, 29 USC 701 et seq., as amended from time to time;

(3) "Community rehabilitation program" means any entity or individual that provides directly for or facilitates the provision of vocational rehabilitation services to, or provides services in connection with, the recruiting, hiring or managing of the employment of persons with disabilities based on an individualized plan and budget for each worker with a disability;

(4) "Commercial janitorial contractor" means any for-profit proprietorship, partnership, joint venture, corporation, limited liability company, trust, association or other privately owned entity that employs persons to perform janitorial work, and that enters into contracts to provide janitorial services;

(5) "Janitorial work" means work performed in connection with the care or maintenance of buildings, including, but not limited to, work customarily performed by cleaners, porters, janitors and handypersons;

(6) "Janitorial contract" means a contract or subcontract to perform janitorial work for a department or agency of the state; and

(7) "Person with a disadvantage" means any individual who is determined by the Labor Department, or its designee, to be eligible for employment services in accordance with the Workforce Investment Act or whose verified individual gross annual income during the previous calendar year was not greater than two hundred per cent of the federal poverty level for a family of four.

(b) The Commissioner of Administrative Services shall establish a pilot program, for a term of four years, to create and expand janitorial work job opportunities for persons with a disability and persons with a disadvantage. Such pilot program shall consist of four identified projects for janitorial work. The program shall create a minimum of sixty full-time jobs or sixty full-time equivalents at standard wages for persons with disabilities and persons with disadvantages and have a total market value for all janitorial contracts awarded under the program of at least three million dollars. In establishing such pilot program, the Commissioner of Administrative Services may consult with the Commissioner of Social Services and the Labor Commissioner.

gram, the Commissioner of Administrative Services shall award four janitorial contracts, one for each identified project, pursuant to the following procedures: (1) Upon receipt of a request for janitorial services by an agency or department of the state, the Commissioner of Administrative Services shall notify each qualified partnership, as described in subsections (f) to (m), inclusive, of this section, of such request and invite each qualified partnership in good standing to submit a bid proposal for such janitorial contract to the commissioner in a manner and form as prescribed by the commissioner; (2) in the event that only one such qualified partnership submits a bid for such janitorial contract, the commissioner shall award such contract to the bidding qualified partnership, provided such bid does not exceed the fair market value for such contract, as determined by the commissioner; (3) if more than one qualified partnership submits a bid, the commissioner shall award the contract to the lowest responsible qualified bidder, as defined in section 4a-59; and (4) in the event that a qualified partnership does not submit a bid or is not awarded such contract, the commissioner shall award such contract in accordance with the provisions of sections 4a-59 and 17b-656.

(d) Notwithstanding any other provision of the general statutes, the responsibilities of the Commissioner of Administrative Services, as established in subsections (b) and (c) of this section, may not be delegated to an outside vendor.

(e) The Commissioner of Administrative Services may adopt regulations, in accordance with the provisions of chapter 54, to undertake the requirements established in subsections (b) to (e), inclusive, of this section.

(f) The Connecticut Community Providers Association shall designate a commercial janitorial contractor and a community rehabilitation program as a "qualified partnership" whenever the following criteria have been established: (1) Such commercial janitorial contractor has entered into a binding agreement with such community rehabilitation program in which such contractor agrees to fill not less than one-third of the jobs from a successful bid for a janitorial contract under the pilot program established in subsections (b) to (e), inclusive, of this section with persons with disabilities and not less than one-third of such jobs with persons with a disadvantage; (2) such contractor employs not less than two hundred persons who perform janitorial work in the state; and (3) such contractor certifies, in writing, that it will pay the standard wage to employees, including persons with disabilities, under such janitorial contract. Any partnership between a commercial janitorial contractor and a community rehabilitation program that has been denied designation as a qualified partnership may appeal such denial, in writing, to the Commissioner of Administrative Services and said commissioner may, after review of such appeal, designate such program as a qualified partnership.

(g) The requirement established in subsection (f) of this section to fill not less than one-third of the jobs from a successful bid for a janitorial contract with persons with disabilities and one-third with persons with a disadvantage shall be met whenever such janitorial contractor employs the requisite number of persons with disabilities and persons with a disadvantage throughout the entirety of its operations in the state provided any persons with disabilities employed by such janitorial contractor prior to the commencement date of any such contract shall not be counted for the purpose of determining the number of persons with disabilities employed by such janitorial contractor.

(h) The number of persons with disabilities and the number of persons with a disadvantage that such janitorial contractor is required to employ pursuant to the provisions of subsection (f) of this section shall be employed not later than six months after the

CBIA

Connecticut Business & Industry Association

Kia F. Murrell, Assistant Counsel
Connecticut Business & Industry Association
Before the Committee on Labor & Public Employees
March 3, 2009

HB 6534, An Act Concerning Labor Union Authorization Card Checks

Good afternoon Chairs and members of the Committee, I am Kia Murrell, assistant counsel at the Connecticut Business and Industry Association (CBIA). CBIA represents approximately 10,000 companies across the state of Connecticut, ranging from large corporations to small businesses with one or two employees. However, the vast majority of our members have fewer than 50 employees. CBIA generally does not support legislation that increases employers administrative burdens or that makes it more costly or difficult to do business in Connecticut. **HB 6534** as currently drafted appears to affect public sector rather that private sector employers, but we are **strongly opposed** to it because of its potential expansion and implications for private sector employers in the future.

Legislation like **H.B. 6534**, also known as union card-check legislation, allows labor unions to form in a workplace simply by collecting signed petitions (or "cards") from a majority of employees indicating that they favor organizing a union, and designating a particular labor union to represent their interests. Labor unions have made union card check legislation a priority on both the national and state levels because it eliminates the traditional secret-ballot process governed and monitored under the National Labor Relations Act (NLRA), thereby making it far easier to unionize a workplace. **Once a union card election has begun, employers have limited ability to question its validity or protect their employees from inappropriate pressuring without overt evidence of illegal coercion.** Therefore, employees could be compelled to sign cards without fully understanding their impact.

H.B. 6534 grants the State Board of Labor Relations authority to handle complaints regarding union card elections. Consequently, the measure is preempted by the National Labor Relations Act (NLRA) because that Act has exclusive authority over matters of labor union elections in the workplace. The NLRA provides for a formal process for employees to either chose or to reject a union through a secret ballot election conducted by the National Labor Relations Board (NLRB). Furthermore, unfair labor practices and complaints regarding the union election process are exclusively handled by the NLRB. Insofar as this measure denies employees the right to a secret ballot election and grants the State Labor Relations Board with authority to adjudicate union card check election issues, it interferes with the jurisdiction of the NLRB. Consequently, it will pre-empted by federal law if enacted.

The decision to unionize is an important one for an employee. This decision should not be made lightly. Since union card signs can often be signed quickly and without sufficient information given to employees before they sign them, there is significant potential for employees to be coerced and pressured into signing the cards. This will lead employees to sign union cards without all of the information needed to make an informed decision. Furthermore, **since only**

51% of employee signatures are needed to be recognized, there is the potential that many employees, as high as 49%, will not have the opportunity to express their opinion on the matter at all.

For all of these reasons, we ask the committee to **Reject HB 6453.**